

Revised – March 2010

**COMMERCE ACQUISITION MANUAL
1301.670**

**DEPARTMENT OF COMMERCE
CONTRACTING OFFICER REPRESENTATIVE
CERTIFICATION PROGRAM**

COMMERCE ACQUISITION MANUAL 1301.670

Table of Contents

Section 1 – Overview	1
1.1 Background	1
1.2 Purpose.....	1
1.3 Applicability.....	1
1.4 Program Objectives.....	1
1.5 Core Competencies	1
1.6 Certification Levels.....	2
1.7 Roles and Responsibilities.....	3
1.8 Management Information System.....	5
Section 2 – Certification Requirements	6
2.1 Background	6
2.2 Competency Model	6
2.3 Training Requirements	7
2.4 Continuous Learning	9
2.5 Contracting Professionals and COR Training Requirements.....	9
2.6 Program and Project Managers and COR Training Requirements...	9
2.7 Additional Training Requirements	9
2.8 Training Providers	9
2.9 Certification Application Process.....	10
2.10 Certification Waivers.....	11
Section 3 – Nomination, Appointment and Cancellation Procedures	12
3.1 Nomination.....	12
3.2 Appointment.....	12
3.3 Cancellation of Appointment.....	13
APPENDIX A – DEFINITIONS	A-1
APPENDIX B – COR CORE COMPETENCIES	B-1
APPENDIX C – GUIDANCE ON MEETING CONTINUOUS LEARNING POINTS.....	C-1
APPENDIX D – FEDERAL ACQUISITION CERTIFICATION FOR CONTRACTING OFFICER REPRESENTATIVE APPLICATION FORM.....	D-1
APPENDIX E – 5-LEVEL PERFORMANCE RATING SYSTEM	E-1
APPENDIX F – 2-LEVEL PERFORMANCE RATING SYSTEM	F-1
APPENDIX G – SAMPLE COTR EVALUATION FORM	G-1
APPENDIX H – SAMPLE NOMINATION, DELEGATION AND APPOINTMENT MEMORANDUMS.....	H-1
APPENDIX I – CONTRACTING MATRIX	I-1

Contracting Officer Representative Certification Program

Section 1 – Overview

1.1 Background

The quality and effectiveness of the federal acquisition process depend on the development of a capable and competent workforce. The Services Acquisition Reform Act of 2003, P. L. 108-136, expanded the definition of acquisition to include functions performed by Contracting Officer Representatives, such as managing and measuring contract performance and providing technical direction. The Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, dated April 15, 2005, built upon this broader definition of acquisition workforce and required the Federal Acquisition Institute (FAI) to develop better standards for training and managing Contracting Officer Representatives.

On November 26, 2007, OFPP issued a memorandum entitled “The Federal Acquisition Certification for Contracting Officer Technical Representatives” establishing a structured training program for Contracting Officer Technical Representatives that standardized competencies and training across civilian agencies.

1.2 Purpose

The purpose of the Department of Commerce (DOC) Contracting Officer Representative Certification Program is to provide the framework and establish procedures for implementation of the Federal Acquisition Certification for Contracting Officer Technical Representatives. The certification program is designed to create a results-oriented acquisition workforce focused on partnering, performance, quality, and accountability that ensures Departmental resources are used and managed effectively throughout all phases of the acquisition life cycle.

1.3 Applicability

The Contracting Officer Representative (COR) Certification Program is applicable to all individuals with delegated contracting officer representative responsibilities for Department of Commerce contracts. CORs who currently hold Certificates of Eligibility under the preceding certification program shall meet the requirements of this policy not later than July 13, 2009. Newly appointed CORs shall meet the requirements of this policy prior to appointment.

1.4 Program Objectives

The Contracting Officer Representative Certification program is designed to ensure that technical and program requirements of Department of Commerce acquisitions are effectively met. Successful implementation of the program will result in a qualified COR workforce with the requisite knowledge, skills, tools and techniques to perform delegated contract management duties thereby achieving program, business and mission goals and objectives.

1.5 Core Competencies

Contracting Officer Representatives play an important role in the acquisition process and require a substantial range of knowledge, skills and abilities to be applied towards achieving successful project outcomes.

The Federal Acquisition Institute, charged with promoting the development of a professional federal acquisition workforce, has identified and validated a set of professional business and technical core competencies necessary for Contracting Officer Representatives to develop the required basic skills.

Competencies combine knowledge, skills and abilities with behavior and other characteristics needed to successfully accomplish assignments in a Contracting Officer Representative environment. The essential COR professional business and technical competencies are summarized in Figures 1-1 and 1-2 respectively. A description of each competency is available at <http://www.fai.gov/acm/cotrcomp.asp> and provided in Appendix B.

Figure 1-1 Professional Business Competencies

Professional Business Competencies	
<ul style="list-style-type: none"> ▪ Oral Communication ▪ Decision – Making ▪ Teamwork ▪ Problem Solving ▪ Attention to Detail ▪ Reasoning ▪ Flexibility 	<ul style="list-style-type: none"> ▪ Interpersonal Skills ▪ Self Management/Initiative ▪ Integrity/Honesty ▪ Planning and Evaluation ▪ Influencing/Negotiating ▪ Writing ▪ Project Management

Figure 1-2 Technical Competencies

Technical Competencies	
<ul style="list-style-type: none"> ▪ Understanding COR duties, responsibilities and obligations ▪ Effective Communication of Contract Requirements ▪ Effective Performance Management ▪ Strategic Planning ▪ Detailed Evaluation Skills 	<ul style="list-style-type: none"> ▪ Defining Business Relationships ▪ Understanding the Marketplace ▪ Effective Communication ▪ Defining Government Requirements in Commercial/Non-Commercial Terms ▪ Effective Negotiation Skills and Effective Analytical Skills

1.6 Certification Levels

The Department of Commerce has identified four levels for Contracting Officer Representative certification which are designed to facilitate the development of the necessary competencies needed to progress to management of contracts with higher complexity and higher contract management risk.

1.6.1 Point of Contact/Order Contact

Point of contact/order contact (P/OC) standards target CORs responsible for contracts with low complexity, low contract management risk, and estimated values up to the simplified acquisition threshold. Not all acquisitions within the simplified acquisition threshold require appointment of a P/OC. The Contracting Officer shall determine whether a specific acquisition is of sufficient complexity or risk to require appointment of a P/OC. Competencies at this level are designed for management of simplified acquisitions. P/OCs shall not typically be appointed for simple supply orders. Appointments shall be reserved for complex service requirements.

1.6.2 Contracting Officer Technical Representative - Level 1

Level 1 standards target Contracting Officer Technical Representatives (COTRs) responsible for contracts with relatively low complexity, low contract management risk, and estimated contract values greater than \$100,000 up to \$1,000,000. Competencies at this level are designed for management of fixed-price type contracts or cost-type contracts using simple performance metrics.

1.6.3 Contracting Officer Technical Representative - Level 2

Level 2 standards target COTRs responsible for contracts with moderate to high complexity, moderate to high contract management risk, and estimated contract values greater than \$1,000,000 up to \$10,000,000. Competencies at this level are designed for management of all types of contracts that have complex contract performance controls to develop, monitor and administer, such as award fees and incentive fees.

1.6.4 Contracting Officer Technical Representative - Level 3

Level 3 standards target COTRs responsible for contracts with moderate to high complexity, moderate to high contract management risk, and estimated contract values over \$10,000,000. Competencies at this level are designed for management of acquisitions that require special attention due to the importance to mission or program function.

1.7 Roles and Responsibilities

1.7.1 Contracting Officer Representative

The functions and responsibilities of CORs are performed by individuals with various assigned titles as defined below in hierarchical order. Contracting Officer Representatives shall be appointed in writing by the Contracting Officer and can not be re-delegated.

1.7.1.1 Contracting Officer Technical Representative

The COTR is responsible for providing overall management oversight and technical direction and other contract management duties assigned in writing by the Contracting Officer including contract closeout; furnishing technical direction, monitoring contract performance; maintaining an arms-length relationship with the contractor; communicating with the assigned program/project manager; and entering their training and certification information in the management information system.

1.7.1.2 Assistant or Alternate Contracting Officer Technical Representative (ACOTR)

An Assistant or Alternate COTR is responsible for functioning as the technical representative of the Contracting Officer in the absence of the COTR and/or assisting the COTR in performing contract management duties.

1.7.1.3 Task Manager (TM)

A Task Manager is responsible for functioning as the technical representative of the Contracting Officer for tasks awarded against a master contract, including surveillance personnel responsible for monitoring contractor performance, supply schedule or other ordering agreement; and abiding by guidance and requirements provided by the COTR for the underlying contractual vehicle.

1.7.1.4 Point of Contact/Order Contact (P/OC)

The point of contact/order contact is responsible for carrying out the contract management duties assigned by the Contracting Officer for acquisitions up to the simplified acquisition threshold. Duties typically include: tracking delivery and payment; functioning as a receiving official; reviewing progress reports and/or invoices submitted by the contractor; assisting in the evaluation of the contractor's proposal and modifications; performing quality assurance of services performed and accepting services or deliverables; providing clarification of technical issues; and identifying any unusual circumstances or procedures.

1.7.2 Chief Acquisition Officer (CAO)

The Chief Acquisition Officer is responsible for developing workforce policies that apply the Contracting Officer Representative requirements to ensure CORs have essential competencies.

1.7.3 Senior Procurement Executive (SPE)

The Senior Procurement Executive is responsible for implementing the COR Certification program department-wide; developing the COR workforce; issuing certifications; and granting waivers.

1.7.4 Acquisition Career Manager (ACM)

The Acquisition Career Manager is responsible for reviewing and maintaining certification packages; providing oversight for program compliance; and developing and monitoring workforce policies which apply to COR certification requirements.

1.7.5 Senior Bureau Procurement Official (SBPO)

The Senior Bureau Procurement Official is responsible for ensuring bureau compliance with the COR Certification program; reviewing applications for certification; reviewing waiver requests; assessing the appropriateness of continuous learning points (CLPs); and submitting certification and waiver packages to the SPE for approval.

1.7.6 Head of Contracting Office (HCO)

The Head of Contracting Office is responsible for submitting requests for certification to the SBPO; and issuing final decisions with regard to cancellation of COR appointments.

1.7.7 Contracting Officer (CO)

Contracting Officers are responsible for determining whether an individual contract action requires appointment of a COR; prescribing additional training requirements when deemed necessary; issuing COR appointments; canceling COR appointments; and documenting COR performance; participating in the identification of appropriate CLPs.

1.7.8 Program Official

Program officials are responsible for monitoring compliance with Acquisition Career Management Information System (ACMIS) reporting requirements.

1.7.9 COR Supervisor

The Contracting Officer Representative's supervisor is responsible for nominating competent individuals as COR candidates; funding training necessary to meet COR certification requirements; incorporating contract management in COR performance

plans when required; obtaining input from Contracting Officers on COR's performance; and participating in the identification of appropriate continuous learning opportunities.

1.8 Management Information System

Section 37(d) of the OFPP Act, as amended (41 U.S.C. 433(d)) requires each executive agency to collect, maintain and utilize information to ensure effective management of the acquisition workforce. The Federal Acquisition Institute maintains a Government-wide Acquisition Career Management Information System (ACMIS) that is used to track COR training and certification information. Program officials are responsible for establishing policies for maintaining complete training, certification, and continuous learning records for members of their Contracting Officer Representative workforce and ensuring information is entered in ACMIS. Guidance on the use of ACMIS can be found at www.acmis.gov. CORs must enter information into ACMIS to reflect training, certification, and continuous learning points and are responsible for updating ACMIS information as necessary.

END OF SECTION 1

Section 2 – Certification Requirements

2.1 Background

The Department of Commerce Contracting Officer Representative certification program is a competency based program that integrates project management competencies into the technical and acquisition training curriculum. Applying a project oriented approach to the COR certification program aligns the appropriate project management tools and techniques with the skills needed to successfully acquire goods and services and to initiate, manage, and closeout contractual vehicles.

2.2 Competency Model

The COR competency model represents the areas of knowledge needed to effectively and efficiently perform delegated contract management duties. Increased competence in the required areas will develop as an individual advances and accepts more challenging projects thereby gaining valuable experience in each area.

2.2.1 Business/Program/Industry Knowledge and Performance

Knowledge of laws, regulations and terminology, for a particular field, sufficient to work with, understand, and evaluate technical information and advise on technical issues related to a particular field.

Program officials are required to nominate individuals that have sufficient knowledge in the appropriate field related to the acquisition. Supervisors should nominate individuals that have gained knowledge in this competency area through formal training or on-the-job experience. This policy does not prescribe training in this competency area.

2.2.2 Core COR Competencies Knowledge and Performance

Sufficient professional business and technical skills, such as, problem solving, teambuilding, strategic planning and communications, to manage the business partner relationship with the Contracting Officer and the contractor. FAI offers online courses at no cost that meet these competencies.

2.2.3 Project Management Knowledge and Performance

Knowledge and skillful application of principles, techniques, methods or tools for developing, scheduling, coordinating, and managing projects and resources, including monitoring and inspecting costs and contractor performance. The Commerce Learning Center (CLC) offers many online training courses in project management that will meet this competency area.

2.2.4 Acquisition Management Knowledge and Performance

Knowledge and application of various types of acquisition techniques, contracting methods, contract negotiation strategies, and contract administration procedures. Appendix I contains a matrix of courses available through Federal Acquisition Institute (FAI) that will meet the acquisition management competency area requirements.

2.3 Training Requirements

The Department of Commerce's implementation of the Federal Acquisition Certification for Contracting Officer Technical Representatives (FAC-COTR) defines the requirements for training based on four levels of expertise. Achievement of FAC-COTR is based on the requirements as outlined below and summarized in Figure 2-1, FAC-COTR Certification Requirements. For new COTRs, training completed within the last five years can be applied towards meeting training requirements. For COTRs with current Certificate of Eligibility under the previous DOC COR Certification program, training completed within the last five years can be applied to the conversion to FAC-COTR Certification. Training taken at each lower level will count towards certification at the next level. **NOTE: One training day is equal to six (6) hours unless the training certificate identifies Continuing Education Units (CEUs) or Continuous Learning Points (CLPs). CEUs and CLPs will be converted in accordance with the guidance provided in Appendix C.**

Figure 2-1, FAC-COTR Certification Requirements

Level	Certification Requirements
<p>FAC-COTR – P/OC</p> <p>up to \$100K</p>	<p>Training:</p> <ul style="list-style-type: none"> 24 Hours Core Competencies as follows: <ul style="list-style-type: none"> CLC106 – COR with a Mission Focus (8 CLPs) CLM024 – Contracting Overview (8 CLPs) CLC004 – Market Research (3 CLPs) CLC007 – Contract Source Selection (3 CLPs) CLM003 – Ethics Training for Acquisition (2 CLPs) 18 Hours Acquisition Management 1 Hour IT Security in Acquisition (DOC) <p>40 CLPs every 2 years</p>
<p>FAC-COTR Level 1</p> <p>\$100K up to \$1M</p>	<p>Training:</p> <ul style="list-style-type: none"> 24 Hours Core Competencies as follows: <ul style="list-style-type: none"> CLC106 – COR with a Mission Focus (8 CLPs) CLM024 – Contracting Overview (8 CLPs) CLC004 – Market Research (3 CLPs) CLC007 – Contract Source Selection (3 CLPs) CLM003 – Ethics Training for Acquisition (2 CLPs) 12 Hours Project Management 18 Hours Acquisition Management 1 Hour IT Security in Acquisition (DOC) <p>40 CLPs every 2 years</p>
<p>FAC-COTR Level 2</p> <p>\$1M up to \$10M</p>	<p>Training:</p> <ul style="list-style-type: none"> 24 Hours Core Competencies as follows: <ul style="list-style-type: none"> CLC106 – COR with a Mission Focus (8 CLPs) CLM024 – Contracting Overview (8 CLPs) CLC004 – Market Research (3 CLPs) CLC007 – Contract Source Selection (3 CLPs) CLM003 – Ethics Training for Acquisition (2 CLPs) 18 Hours Project Management 18 Hours Acquisition Management 1 Hour IT Security in Acquisition (DOC) <p>40 CLPs every 2 years</p>
<p>FAC-COTR Level 3</p> <p>\$10M and above</p>	<p>Training:</p> <ul style="list-style-type: none"> 24 Hours Core Competencies as follows: <ul style="list-style-type: none"> CLC106 – COR with a Mission Focus (8 CLPs) CLM024 – Contracting Overview (8 CLPs) CLC004 – Market Research (3 CLPs) CLC007 – Contract Source Selection (3 CLPs) CLM003 – Ethics Training for Acquisition (2 CLPs) 24 Hours Project Management 24 Hours Acquisition Management 1 Hour IT Security in Acquisition (DOC) <p>40 CLPs every 2 years</p>

2.4 Continuous Learning

To maintain FAC-COTR certification, Contracting Officer Representatives are required to earn 40 continuous learning points (CLPs) of skills currency training every two years. Continuous learning points begin to accumulate on the date of certification. Failure to comply with CLP requirements nullifies the certification and its transferability to other agencies. Appendix C provides guidance on earning continuous learning points and assigning points to various developmental activities. Continuous learning activities may include, but are not limited to the following:

- Training activities, such as teaching, self-directed study, and mentoring;
- Courses completed to achieve certification at the next higher level;
- Professional activities, such as attending/speaking/presenting at professional seminars/symposia/conferences, publishing, and attending workshops;
- Educational activities, such as formal training, and formal academic programs; and
- Experience such as development or rotation assignments.

2.5 Contracting Professionals and COR Training Requirements

Contracting professionals certified as Federal Acquisition Certification in Contracting (FAC-C) Level I are considered to have met the FAC-COTR – P/OC requirements, but must submit an application package to obtain certification. However, individuals with FAC-COTR certification do not necessarily meet the requirements for FAC-C Level I.

2.6 Program and Project Managers and COR Training Requirements

Program and project managers certified as Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid/Journeyman Level are considered to have met the FAC-COTR - P/OC requirements, but must submit an application package to obtain certification. However, individuals with FAC-COTR certification do not necessarily meet the requirements for FAC-P/PM Mid/Journeyman Level.

2.7 Additional Training Requirements

In addition to the training required for FAC-COTR certification, Contracting Officers may require CORs to complete additional training applicable to a specific acquisition. Additional training may include topics such as: Performance Based Acquisition, Task Order Contracting, Earned Value Management, or Homeland Security Presidential Directive 12 (HSPD-12) training.

2.8 Training Providers

2.8.1 Federal Acquisition Institute Sponsored Training

The Federal Acquisition Institute manages the Acquisition Workforce Training Fund to ensure that equitable training opportunities are available for all civilian agencies. FAI uses the training fund to offer Defense Acquisition University (DAU) equivalent training courses to civilian agency employees at no charge. Employees can view the current FAI course schedule and register for courses at <https://www.atrrs.army.mil/channels/faitas/student/logon.aspx?caller=1>. All courses outlined in the core COR competency training requirements are available online through FAI. In addition, many courses that meet the other project management and acquisition management competencies are available through FAI. As the Department of Commerce has a limited number of quotas for FAI sponsored classroom courses, the Acquisition Career Manager will review each registration to ensure quotas are effectively managed.

2.8.2 Defense Acquisition University Training

The Defense Acquisition University training courses are available to civilian agency employees at no charge. Employees can view the current course schedule and register for DAU training courses at

<https://www.atrrs.army.mil/channels/faitas/student/logon.aspx?caller=1>. All courses outlined in the core COR competency training requirements are available online through DAU. In addition, many courses that meet the project management competencies are available through DAU.

2.8.3 Commerce Learning Center

The Commerce Learning Center (CLC) has a variety of online courses available including project management courses that meet these competency requirements at http://www.hr.commerce.gov/Employees/TrainingandDevelopment/DEV01_006037.

2.8.4 Office of Acquisition Management

The Office of Acquisition Management has created an online course entitled "*Effectively Integrating Information Technology (IT) Security into the Acquisition Process*." This online course is designed to guide students through the necessary IT security considerations during each phase of the acquisition process. This course is available at no cost at http://oamweb.osc.doc.gov/docs/CAPPS_IT_Security_course/default.htm.

2.8.5 Other Training Providers

Other courses or combination of courses covering the required competencies may be acceptable. Course content material shall be compared to the required competency areas to ensure compliance.

2.9 Certification Application Process

Program officials shall nominate competent candidates for Contracting Officer Representative certification. Nominees must initiate and prepare their applications for FAC-COTR certification and submit the application package to their supervisor for endorsement. Nominees are responsible for producing certificates, transcripts, and records that provide evidence that they satisfy the requirements of the program. Application packages for certification shall include:

- Completed FAC-COTR application form (Appendix D);
- Documentation of training (i.e., certificates or transcript); and
- FAC Certification issued by another Federal Agency (if applicable).

The nominee's supervisor shall assess the skills and competencies of the applicant and develop a plan for enhancing or adding to the nominee's competencies, if appropriate. The supervisor shall forward the package to the Head of Contracting Office for endorsement. The HCO must forward the package to the Senior Bureau Procurement Official for approval. Once the SBPO approves the application, the package shall be scanned and forwarded electronically to:

FAC-COTRAApplication@doc.gov

In the event that electronic submission is not available and prior approval has been received from the Acquisition Career Manager, packages can be forwarded to:

U. S. Department of Commerce
Office of Acquisition Management
Acquisition Career Manager
1401 Constitution Avenue, NW
HCHB Room 1854
Washington, DC 20230

The Acquisition Career Manager will review each application to determine whether the individual satisfies the requirements for the requested certification and forward the package, along with their recommendation, to the Senior Procurement Executive. In the event additional information is needed in order to make a determination, the application will be returned to the nominee, through supervisory channels, with a request to furnish supporting data.

The Senior Procurement Executive has final authority for certifying a nominee. Whenever the SPE determines that an employee does not meet the established criteria for certification, the SPE will furnish the employee, through supervisory channels, a written explanation of the reasons the request was denied. The employee's immediate supervisor should develop a strategy that will assist the individual in obtaining certification by planning the employee's work assignments and training to gain competency in the deficient areas. The strategy shall be documented in the nominee's Individual Develop Plan.

2.10 Certification Waivers

The Senior Procurement Executive may waive the requirement for obtaining a certification, on a case-by-case basis, if granting a waiver is in the best interest of the Department. Waivers for FAC-COTR certification may not exceed 12 months.

The Senior Bureau Procurement Official shall submit all requests for waivers to the Senior Procurement Executive with the following documentation:

- Written justification that includes reasons for and conditions of the waiver;
- Documentation and justification of the employee's background and experience in the required competencies, and documentation to support plan for completion of the required competencies; and
- Outline of actions that will be taken if the conditions of the waiver are not met.

END OF SECTION 2

Section 3 – Nomination, Appointment and Cancellation Procedures

3.1 Nomination

Program officials shall nominate COR candidates who are technically competent in the field related to the specific acquisition and who have received FAC-COTR certification at the appropriate level to support the contract action. Program officials shall consider the amount of time the nominee is able to dedicate to performing delegated contract management duties. In order to involve the COR in the end-to-end acquisition process, formal nomination shall be made at the onset of the acquisition planning process. A sample nomination letter is included in Appendix H. A copy of the nomination letter shall be provided to the contracting officer.

3.1.1 Nomination Requirements

Contracting management duties for projects over \$10M require the nomination and appointment of a Level 3 COTR who can devote the necessary time to successfully perform all delegated activities. Supervisors of CORs, with the assistance of the bureau servicing human resources office, shall include contract management in performance plans of all Level 3 CORs. COR performance plans shall incorporate contract management as a separate critical element or include contract management language into an existing element. Sample contract management performance element language is provided in Appendix E, 5-Level Performance Rating System, and Appendix F, 2-Level Performance Rating System.

COR supervisors shall consider input from the cognizant Contracting Officer when preparing the performance rating of the COR employee. A sample COR Performance Evaluation is included in Appendix G.

3.2 Appointment

A COR appointment is required for every contract action where the Contracting Officer delegates contract management responsibilities to a COR. The Contracting Officer shall consider the complexity and dollar value of the acquisition, the candidate's technical knowledge, experience, training, judgment, character, and reputation when appointing a COR. The COR candidate shall meet certification requirements, as evidenced by a FAC-COTR. Assistant and Alternate COTRs, Task Managers, including Surveillance Personnel shall be appointed in accordance with the same requirements applicable to CORs.

Before making an appointment the Contracting Officer shall consider the amount of time the candidate is able to dedicate to performing delegated contract management duties. The Contracting Officer may deem a COR candidate ineligible for a particular appointment if the candidate is unable to perform the delegated contract management duties successfully, given other demands on their time. For all Level 3 CORs, the Contracting Officer shall also ensure that contract management is included in the COR's performance plan prior to appointment.

3.2.1 Delegation and Appointment Memorandum

The Contracting Officer shall issue a delegation and appointment memorandum upon determination that the nominee has received FAC-COTR certification at the appropriate level to support the contract action and the nominee can dedicate the necessary amount of time for successful contract management.

The delegation and appointment memorandum shall at a minimum: identify the contract; state the roles and responsibilities of the COR; list the delegated contract management duties; and note the Contracting Officer's authority to appoint a successor COR and/or withdraw COR appointments if it is deemed necessary. The COR shall countersign the delegation and appointment memorandum to indicate they have read and accept the duties, responsibilities, and limitations of the appointment. As determined by the Contracting Officer, the delegation and appointment memorandum may also be signed by the COR's supervisor to indicate they recognize and accept the demands on the COR's time and performance. The Contracting Officer shall maintain a copy of the delegation and appointment memorandum and acknowledgement in the contract file. A copy of the delegation and appointment memorandum may be provided to the contractor. Sample delegation and appointment memoranda are provided in Appendix H.

In addition to the delegation and appointment memorandum, Contracting Officers shall notify prospective CORs of their obligation to disclose any direct or indirect financial interest that would conflict with the COR's public duties, in accordance with Department Administrative Order (DAO) 202-735-A Employee Responsibilities and Conduct found at: <http://dms.osc.doc.gov/cgi-bin/doit.cgi?204:112:bf931c8033e0a27ad7ceaaf3be6f9997657f22261fd41724d74109fbcaa40e04:100> .

3.3 Cancellation of Appointment

Contracting Officers have the authority to cancel COR appointments of individuals who are not satisfactorily fulfilling their contract management duties or staying within the limits of their COR authority. Cancellation actions shall be undertaken only in serious circumstances and only after the Contracting Officer has attempted to have the COR correct the problem. The Contracting Officer shall take this action only after consideration of the impact on the individual concerned, balanced with the obligation to manage contracts in a manner that safeguards the interest of the Department and the taxpayer.

The Contracting Officer shall document the basis for the decision and notify the COR in writing of the cancellation, providing five (5) work days for appeal to the HCO, or one level above the HCO if the HCO is the Contracting Officer. The appeal official shall render a decision within five (5) work days of the appeal. The appeal decision is final. In urgent situations, the appeal period may be waived and an earlier decision issued. Upon written request by the COR, the appeal official may extend the appeal period.

END OF SECTION 3

APPENDICES

APPENDIX A – DEFINITIONS

Acquisition - The acquiring of supplies or services (including construction) with appropriated funds by contract for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

Acquisition Career Manager – The Individual appointed pursuant to OFPP Policy Letter 05-01 to lead the Department's acquisition career management program. The Director of Commerce Acquisition Workforce and Policy Development Division has been designed as the Acquisition Career Manager.

Acquisition Workforce - Employees performing acquisition-related work. The acquisition workforce includes permanent civilian employees who occupy acquisition positions.

Assistant or Alternate Contracting Officers Technical Representative – An individual who functions as the technical representative of the Contracting Officer in the absence of the COTR and/or assists the COTR in performing contract management duties

Chief Acquisition Officer – The Department's Executive-level non-career employee designated pursuant to the Services Acquisition Reform Act (SARA) to advise and assist the head of the agency and other agency officials to ensure the mission of the agency is achieved through the management of the agency's acquisition activities.

Competencies – Observable, measurable patterns of skills, knowledge, abilities, behaviors, and other characteristics than an individual needs to perform in occupational functions.

Competency-based Training – Development activities specifically designed to achieve a high level of proficiency for a particular competency.

Continuous Learning Points - Continuing education or training opportunities such as agency-sponsored training and management/executive seminars, special job and/or professional association related projects and/or participation in seminars/workshops, or other appropriate developmental activities to remain current in the acquisition field.

Contract – A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of funds.

Contract Management Duties – Specific activities performed by the acquisition workforce related to the administration of a contract from contract award through contract closeout.

Contracting Officer – Individuals designated authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Contracting Officer Representative – A Federal employee delegated limited authority by a Contracting Officer to monitor and perform specific, enumerated contract management duties related to contract planning, contract administration, technical oversight, and closeout to ensure that contractor's performance meets the standards set

forth in the contract. Contracting Officer Representatives may be designated as Point of Contact/Order Contact (P/OC), Contracting Officer Technical Representative (COTR), or Task Manager.

Contracting Officer Technical Representative – Individual who has been delegated contract management duties by the Contracting Officer in a written delegation and appointment memorandum.

Core Training - A course of study that meets FAC-COR competencies requirements for a certification level.

Critical Skills – Business and technical skills that are needed by a member of the acquisition workforce to sufficiently perform their duties.

Defense Acquisition University – A consortium of Department of Defense education and training institutions and organizations providing mandatory acquisition courses for certification.

Earned Value Management – A project management tool that effectively integrates the project scope of work with cost, schedule and performance elements for optimum project planning and control.

Federal Acquisition Certification for Contracting Officers Technical Representative – A certification program establishing core training requirements for Contracting Officer Representatives in civilian agencies.

Head of Contracting Office - Individual's designated to head the contracting offices within each operating unit that has designated contracting authority to award and administer contracts to the full limit of the Department's contracting authority.

Individual Development Plan - Document used to plan an employee's education, training, experience and other developmental activities for progression in the procurement career field. Developing the plan is a joint effort of the employee, supervisor, and possibly other knowledgeable persons in the training and/or acquisition fields.

Program – A group of related work efforts, including projects, managed in a coordinated way. Programs usually include elements of ongoing work.

Program/Project Manager – An individual who directs a group of related activities performed within a specified time period to meet a specific set of objectives.

Program Official – An operating unit head or Office of the Secretary manager who is responsible for carrying out specified substantive functions (i.e., programs) necessary for the performance of the Department's mission.

Project – A specific investment having defined goals, objectives, requirements, life cycle costs, a beginning and end, and delivers a specific product, service or result.

Senior Bureau Procurement Official – The senior career procurement official, within each operating unit that has been delegated contracting authority.

Senior Procurement Executive - The official appointed pursuant to Executive Order 12931 and the Services Acquisition Reform Act (SARA) to carry out the responsibilities identified in both the Executive Order and SARA.

Skills Currency – Federal Acquisition Certification for Contracting Officers Technical Representative requires at least 40 hours of continuous education or training every two years to maintain certification.

Waiver -- A provision that permits the Department of Commerce SPE to waive all or part of the FAC-COTR requirements for an assigned program or project manager, if granting the waiver is in the best interest of the agency.

APPENDIX B – COR CORE COMPETENCIES

PROFESSIONAL BUSINESS COMPETENCIES

- **Attention to Detail**

Is thorough when performing work and conscientious about attending to detail.

- **Decision-Making**

Makes sound, well informed, and objective decisions; perceives the impact and implications of decisions; commits to action, even in uncertain situations, to accomplish organizational goals; causes change.

- **Flexibility**

Is open to change and new information; adapts behavior or work methods in response to new information, changing conditions, or unexpected obstacle; effectively deals with ambiguity.

- **Influencing/Negotiating**

Persuades others to accept recommendations, cooperate, or change their behavior; work with others towards an agreement; negotiates to find mutually acceptable solutions.

- **Integrity/Honesty**

Contributes to maintaining the integrity of the organization; displays high standards of ethical conduct and understands the impact of violating these standards on an organization, self, and others; is trustworthy.

- **Interpersonal Skills**

Shows understanding, courtesy, tact, empathy; develops and maintains relationships; deals with difficult people; relates well to people from varied backgrounds; is sensitive to individual differences.

- **Oral Communication**

Expresses information to individuals or groups effectively, taking into account the audience and nature of the information; makes clear and convincing presentations, listens to others; attends to nonverbal cues.

- **Planning and Evaluating**

Organizes work, sets priorities, determines resource requirements, determines goals and strategies; coordinates with other organizations, monitors progress; evaluates outcomes.

- **Problem Solving**

Identifies problems; determines accuracy and relevance of information; uses sound judgment to generate and evaluate alternatives, and make recommendations.

- **Project Management**

Develops and maintains a workable plan and manages resources to accomplish the overall goal of the project; plans, manages and follows through to ensure the smooth flow and timely completion of activities that deliver project results; anticipates obstacles or gaps that would impact project success and works to continuously improve the agency's capability to achieve success.

- **Reasoning**

Identifies rules, principles, or relationships that explain facts, data or other information; analyzes information and makes correct inferences or accurate conclusions.

- **Self-Management/Initiative**

Sets well-defined and realistic personal goals; displays a high level of initiative, effort, and commitment towards completing assignments in a timely manner; works with minimal supervision; is motivated to achieve; demonstrates responsible behavior.

- **Teamwork**

Encourages and facilitates cooperation, pride, trust; fosters commitment; works with others to achieve goals.

- **Writing**

Recognizes or uses correct English grammar, punctuation, and spelling; communicates information in a succinct and organized manner, produces written information that is appropriate for the intended audience.

TECHNICAL COMPETENCIES

- **Strategic Planning**

Ability to advise customers on their acquisition-related roles and in the development and implementation of strategies needed to assure that supplies and services are available when needed to meet mission requirements.

- **Market Research (Understanding the Marketplace)**

Ability to collect and analyze relevant market information and identify possible sources for the acquisition through effective market analysis and industry knowledge.

- **Defining Government Requirements in Commercial/Non-Commercial Terms**
Ability to determine or develop offer evaluation factors that will discriminate between offerors and that tie back to the technical requirements included in the solicitation.
Ability to determine the most appropriate method of acquisition for each procurement request.
- **Defining Contractual/Business Relationships**
Ability to identify and select the most appropriate contractual terms and arrangements; for example, in pricing, financing, and payment methods.
- **Effective Communication/Solicitation of Offers**
Ability to manage the solicitation process and adhere to procedures, including writing and publicizing the procurement, conducting discussions and conferences, and amending or canceling the solicitation when appropriate.
- **Detailed Bid Evaluation Skills**
Ability to receive, handle, and evaluate bids adhering to proper procedures.
- **Proposal Analysis and Evaluation (Analytical Skills)**
Ability to receive, handle, and evaluate quotations/proposals adhering to proper procedures. Ability to obtain proper disclosure of accounting practices and to determine if the firm's accounting practices comply with Government cost accounting standards.
- **Negotiation Skills**
Ability to plan negotiation positions and prepare negotiation strategies. Ability to conduct a negotiation session and document the elements of the negotiated agreement.
- **Requirements Management (Effective Communication of Contract Requirements)**
Ability to administer contract requirements and manage vendor relationships for effective delivery of goods and services.
- **Performance Management**
Ability to monitor contract performance and take any necessary action and apply remedies to protect the rights of the Government. Ability to use performance metrics to evaluate actual performance against goals.

APPENDIX C – GUIDANCE ON MEETING CONTINUOUS LEARNING POINTS

These guidelines reflect best-in-practice recommendations for continuous learning. Agencies retain flexibility and supervisors remain responsible for working with program and project managers to identify those activities and opportunities of greatest benefit to the professional development of an individual. The training, professional activities, education and experience that are used to meet the CLP requirements must be job related.

A. Training

1) **Awareness Training.** Periodically agencies conduct briefing sessions to acquaint the workforce with new or changed policy. Generally, no testing or assessment of knowledge gained is required.

2) **Learning Modules and Training Courses.** These may be formal or informal offerings from a recognized training organization, including in-house training courses/sessions, which include some form of testing/assessment for knowledge gained.

3) **Self-Directed Study.** An individual can keep current or enhance his or her capabilities through a self-directed study program agreed to by the supervisor.

4) **Teaching.** Employees are encouraged to share their knowledge and insights with others through teaching of courses or learning modules.

5) **Mentoring.** Helping others to learn and become more productive workers or managers benefits the agency and the individuals involved.

B. Professional Activities

1) **Participating in Organization Management.** Membership alone in a professional organization will not be considered as fulfilling continuous learning requirements, but participation in the organization leadership will. This includes holding elected/appointed positions, committee leadership roles, or running an activity for an organization that one is permitted to join under current ethics law and regulation. The employee and supervisor must first ensure that participating in the management of an organization is allowed by the agency.

2) **Attending/Speaking/Presenting at Professional Seminars/Symposia/Conferences.** Employees can receive points for attending professional seminars or conferences that are job related. However, the supervisor needs to determine that the individual learned something meaningful from the experience. Because significant effort is involved in preparing and delivering presentations, credit should be given for each hour invested in the preparation and presentation.

3) **Publishing.** Writing articles related to acquisition for publication generally meets the criteria for continuous learning. Points will be awarded only in the year published. Compliance with agency publication policy is required.

4) **Participating in Workshops.** Points should be awarded for workshops with planned learning outcomes.

C. Education

- 1) **Formal Training.** Supervisors should use Continuing Education Units (CEUs) as a guide for assigning points for formal training programs that award CEUs. The CEUs can be converted to points at 10 CLP points per CEU.
- 2) **Formal academic Programs.** For formal academic programs offered by educational institutions, each semester hour is equal to one CEU. A three-hour credit course would be worth three CEUs and 30 CLP points, assuming that it is applicable to the acquisition function.

SAMPLE ACTIVITIES	RECOMMENDED NUMBER OF HOURS
Active Association Membership (in relevant subject area or program/project management association)	5 hours for an active membership year OR 1 hour for each 60 minutes of activity attended during the year
Publication of P/PM/acquisition-related articles, technical papers, etc.	20 hours for articles 25 for technical paper
Formal rotational assignments	40 hours per assignment
Conference presentations, training or seminar delivery	2 hours for 60 minutes of first-time presentation (1 for presentation, 1 for preparation, .5 credit for repeat delivery of same material)
Team leadership activities, participation on project teams for new products/activities	1 hour for every 60 minutes of participation
Formal education	1 hour for each hour of instruction up to 36 hours for a 3 credit course or American Council on Education (ACE) recommendation
Professional examination, license, or certification	40 hours in the year obtained
1 Continuing Education Unit (CEU)	10 hours
1 Continuous Learning Point (CLP), Professional Development Unit (PDU), or Professional Development Hour (PDH)	1 hour

1 credit hour (college course or ACE recommendation)	12 hours
Conference attendance	1 hour for each 50 minute presentation attended

Note - All activities may earn points only in the year accomplished, awarded or published.

D. Experience

Experience includes on-the-job experiential assignments and intra- or inter-organizational rotational career-broadening and developmental experiences. While supervisors and employees must use discretion in arriving at a reasonable point value to be awarded for rotational and developmental assignments, a sliding scale is recommended. Suggested points for such assignments are in the table below.

The assumption is that longer assignments are more beneficial than shorter assignments. The supervisor may feel that an individual may deserve more or less than the values shown. In determining the points for a rotational/developmental assignment, the supervisor should consider both the long-term benefit to the agency and the immediate benefit to the supervisor's organization and the individual. For example, a second rotational assignment of the same sort would be less valuable than a different type of rotational assignment.

When experience or other activities are to be used to earn CLPs, certain principles should be followed. Supervisors and employees should pre-define, as closely as possible, the tasks to be accomplished, expected outcomes, and the learning opportunities. If it is an assignment, the individual should be mentored during the assignment. Accomplishment of a product, such as a briefing, a project design, a report, or other work product that shows the learning attained, is desirable. Sharing the knowledge and experience gained and the product with others in the organization is encouraged.

CREDITABLE ACTIVITIES	POINT CREDIT
Experience:	
On-the-Job Experiential Assignments	Maximum of 20 points per year
Integrated product Team (ITP)/ Special Project Leader	Maximum of 15 points per year
IPT/Special Project Member	Maximum of 10 points per year
Mentor	Maximum of 5 points per year
Assignment Length (Rotational Assignments or Training with Industry):	Recommended Points:
12 Months	80
9 Months	60
6 Months	40
3 Months	15
2 Months	10
1 Month	5

APPENDIX D – FEDERAL ACQUISITION CERTIFICATION FOR CONTRACTING OFFICER REPRESENTATIVE APPLICATION FORM

PART A - EMPLOYEE INFORMATION

Name (Last, First, Middle Initial) _____

Social Security Number (optional) _____ Email Address _____

Phone _____ Agency Name _____

Agency Address _____

Title, Series, Grade _____

Level Sought _____

PART B – CERTIFICATION REQUIREMENTS

1. **Training requirements:** Provide all certificates or proof of training completion for applicable training below
2. **Method of Completion** (Check appropriate space and complete applicable information).

CORE COMPETENCIES:

CLC 106 COR With a Mission Focus

____ Actual course _____
(Date completed)

or ____ Equivalent course _____
(Course name, Date completed)

CLM 024 Contracting Overview

____ Actual course _____
(Date completed)

or ____ Equivalent course _____
(Course name, Date completed)

CLC 004 Market Research

____ Actual course _____
(Date completed)

or ____ Equivalent course _____
(Course name, Date completed)

CLC 007 Contract Source Selection

____ Actual course _____
(Date completed)

or ____ Equivalent course _____
(Course name, Date completed)

CLM 003 Ethics Training for Acquisition Technology and Logistics (or similar)

____ Actual course _____
(Date completed)

or ____ Equivalent course _____
(Course name, Date completed)

ACQUISITION MANAGEMENT COMPETENCIES:

____ IT Security in Acquisition

(Date completed)

(Course name)

(Date completed)

(Course name)

(Date completed)

(Course name)

(Date completed)

(Course name) (Date completed)

(Course name) (Date completed)

PROJECT MANAGEMENT COMPETENCIES:

(Course name) (Date completed)

(Course name) (Date completed)

(Course name) (Date completed)

(Course name) (Date completed)

(Course name) (Date completed)

☐ **Previously held certification from another Federal agency** *(Attach a copy of certification)*

- **Name of Agency:** _____
- **Date Certification Issued:** _____

PART C – SIGNATURES

Applicant's Signature _____ Date _____

Supervisor's Endorsement:

I recommend the above individual for COTR certification.

Name _____ Signature _____ Date _____

Head of Contracting Office Endorsement:

I recommend the above individual for COTR certification.

Name _____ Signature _____ Date _____

Senior Bureau Procurement Official's Endorsement:

I recommend the above individual for COTR certification.

Name _____ Signature _____ Date _____

Senior Procurement Executive's Approval:

I approve the above individual for COTR certification.

Name _____ Signature _____ Date _____

APPENDIX E – 5-LEVEL PERFORMANCE RATING SYSTEM

5-Level Performance Rating System Sample COTR Performance Element & Standards

Element	Description	General Measures	Specific Measures	Standards		Feedback Source for Monitoring
Contract Mgmt _X_Critical _Non Critical	Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor.	Quality Timeliness	Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete.	1. Outstanding	2. Commendable	Supervisory Observation; Contracting Officer Input
				Element objectives are achieved with maximum impact on organizational mission through exemplary work that demonstrates exceptional originality, versatility, and creativity. Activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships.	Element objectives are accomplished effectively and efficiently with consistently high levels of quality and quantity of work. Activities and related tasks are carried out in an efficient, orderly sequence that achieves thorough, timely, correct, and cost-effective results. Accepted procedures are carried out in a highly proficient and constructive manner, and problems are dealt with skillfully and resourcefully. Cooperative efforts are typically positive and productive. Written and oral communications related to the performance of element activities are unambiguous and convincing.	
				3. Fully Successful	4. Marginal	
				Element objectives, activities and related tasks are completed with adequate quality and quantity of work. Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable.	Element objectives, activities and related tasks are completed with only a minimal quality and quantity of work. Procedures are minimally correct and problems are handled satisfactorily only after either intervention by the supervisor or coworkers or repetitive attempts. Work methods demonstrate a marginal degree of cooperation with others. The employee's written communication usually considers the nature and complexity of the subject and intended audience. They convey the central points of information important to accomplishing the work. However, too often the communication is not focused, contains too much or too little information, and/or is conveyed in a tone that hinders achievement of the purpose of the communication. In communication to coworkers, the listener must question the employee at times to secure complete information or avoid misunderstandings.	
				5. Unsatisfactory		
				Element objectives and activities are typically not successfully completed due to failures in quality, quantity, completeness, or timeliness of work. Products or services are deficient or unacceptably late due to untimely, inefficient, incorrect, or technically deficient guidance, direction and oversight. Problems that arise during the performance of element activities are not satisfactorily resolved, or must be resolved by the supervisors or co-workers. The oral and written expression the employee uses in accomplishing the work of this element lacks the necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work.		

APPENDIX F – 2-LEVEL PERFORMANCE RATING SYSTEM

2-Level Rating System						
Sample COTR Performance Element/Result/Objective & Indicators						
Critical Element/Result/Objective	Description	General Measures	Specific Measures	Sample COTR Performance Element/Result/Objective & Indicators		Feedback Source for Monitoring
Contract Management	Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor.	Quality Timeliness	Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete.	<p>1. Meets or Exceeds Expectations</p> <p>Element objectives, activities and related tasks are achieved with a level of performance, which can range in quality and quantity from adequate to outstanding.</p> <p>Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable.</p> <p>At a maximum activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships.</p>	<p>2. Does Not Meet Expectations</p> <p>Element objectives and activities are not successfully completed due to failures in quality, quantity, completeness, or timeliness of work. Products or services are deficient or unacceptably late due to untimely, inefficient, incorrect, or technically deficient guidance, direction and oversight. Problems that arise during the performance of element activities are not satisfactorily resolved.</p>	Supervisory Observation; Contracting Officer Input

APPENDIX G – SAMPLE COTR EVALUATION FORM

COTR: _____

Contracting Officer: _____ Date: _____

Contract Number(s): _____

Rating Descriptions:

1 = Poor 2 = Fair 3 = Adequate 4 = Very Good 5 = Superior NAA=Not Able to Assess

Please circle the appropriate answer:

1. Timeliness of Documents Submitted to Contracting Office 1 2 3 4 5 NAA
Comments:

2. Management of Business Partner Relationship 1 2 3 4 5 NAA
(includes monitoring technical performance and/or labor hours, resolving technical issues, promoting communication, providing customer service, making timely requests, and managing resources)
Comments:

3. Scope Management 1 2 3 4 5 NAA
Comments:

4. Performance of Delegated Contract Management Duties 1 2 3 4 5 NAA
(includes staying with the limits of appointment, invoice processing and other tasks described in COR delegation and appointment memorandum)
Comments:

5. Overall Performance 1 2 3 4 5
Comments:

Contracting Officer Comments/Suggestions:

Suggested Area(s) for Improvement:

APPENDIX H – SAMPLE NOMINATION, DELEGATION AND APPOINTMENT MEMORANDUMS

SAMPLE COTR NOMINATION MEMORANDUM

MEMORANDUM FOR: _____

FROM: _____
COTR's Supervisor

SUBJECT: Nomination Memorandum: Instructions to
the Contracting Officer's Technical Representative

You are hereby nominated as [COTR/Task Manager/P/OC] for the [Title of Project]. The estimated life cycle cost for the acquisition is [\$0000]. The effective management of this program/project is essential in order to protect the resources and interests of the Department. Your involvement in each phase of the acquisition process from advanced acquisition planning through contract close-out is essential to the effectiveness of this process.

This nomination is predicated on your qualifications as a certified COTR in the Department of Commerce. You are responsible for maintaining your credential throughout the performance of your duties under this assignment. You are further responsible for applying best practices in acquisition management to all aspects of this effort.

You are responsible for complying with all requirements that the contracting officer sets forth during the acquisition process.

If at any time during the performance of your roles and responsibilities as COR you identify potential direct or indirect financial interests which would place you in a position where there is a conflict between your private interests and the public interests, in accordance with Department Administrative Order (DAO 202-735 Employee Responsibilities and Conduct which covers employee responsibilities and conduct for U.S. Department of Commerce personnel, you shall immediately advise me and the contracting officer of the potential conflict so that appropriate action can be taken.

This nomination is effective through contract award and your formal appointment as [COTR/Task Manager/P/OC] by the contracting officer.

SAMPLE P/OC APPOINTMENT AND DELEGATION MEMORANDUM

MEMORANDUM FOR:

Point of Contact/Order Contact (P/OC)

FROM:

Contracting Officer

SUBJECT:

Appointment, Delegation Memorandum
(P/OC) for ____ {Order Number}__ (Name of Contractor)_____

1. You have been designated P/OC for the subject purchase order. Please acknowledge receipt of this memorandum and one (1) copy of the purchase order by signing and returning a **duplicate** copy of this memorandum to me.
2. The following are guidelines that you should follow in administering the purchase order:
 - (a) Maintain contact with the Vendor and follow the progress of the work, immediately notifying the Contracting Officer if difficulties or situations arise, which may hinder or delay performance.
 - (b) Assist the Vendor in interpreting technical requirements of the scope of work of the purchase order. Differences of opinion shall be referred to the Contracting Officer for resolution.
 - (c) Promptly process all invoices against this purchase order. The vendor has been notified that invoices against this award document shall be submitted as follows:

If you cannot accept the product or service for any reason, please contact either the Contracting Officer or me immediately. Do not approve the invoice or submit the receiving report until the issue is resolved. Notify the invoice processing office that the product or service has not been accepted and the invoice should not be processed until the matter is resolved.

3. Maintain adequate records to sufficiently describe the performance of your duties as P/OC during the life of this contract. As a minimum, the P/OC file should contain copies of the following:
 - a. P/OC appointment, delegation & briefing memorandum and acknowledgement.
 - b. Purchase Order and any modifications.
 - c. All purchase order correspondence.
 - d. Records of P/OC inspections.
 - e. Records of conversations with the vendor.
 - f. Invoices/vouchers.

4. The P/OC does not have the authority to:
- (a) Execute or agree to any changes in the purchase order specification, delivery schedule, or other terms and conditions of the contract.
 - (b) Make or infer legal interpretations on the scope or intent of the purchase order.
 - (c) Levy or impose upon the Vendor any task or permit any substitution not specifically provided for in the purchase order.
 - (d) Give direction to the Vendor or to employees of the Vendor except as provided in the purchase order.
 - (e) Offer advice to the Vendor which may adversely affect performance, compromise the rights of the Government, provide the basis of a claim for constructive change, or impact any pending or future Contracting Officer determination as to fault or negligence.
 - (f) Authorize work outside the scope of the purchase order.
 - (g) Resolve any dispute concerning a question of fact or law arising under the purchase order.
 - (h) Further delegate the above responsibilities.

I hereby certify receipt of this memorandum and copy of the purchase order.

P/OC

Date

SAMPLE COTR APPOINTMENT AND DELEGATION MEMORANDUM

MEMORANDUM FOR: _____

FROM: _____
Contracting Officer

SUBJECT: Delegation & Appointment Memorandum: Instructions to
the Contracting Officer's Technical Representative

You are hereby appointed the Contracting Officer's Technical Representative (COTR) for Contract No. _____. You and your immediate supervisor are requested to sign the last page of this memorandum and return it to this office within 7 calendar days to acknowledge your appointment as COTR and your receipt of this memorandum.

The Contracting Officer (CO) is the exclusive agent of the Government with authority to enter into, and administer contracts. Thus, the CO has the responsibility to see that all requirements of law and regulation are followed. However, as the CO's representative you are delegated the authority to monitor the technical effort being performed under the contract. You should familiarize yourself with the requirements of the contract, and communicate with the contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Other than the CO, you are the only Government employee who may direct the flow of technical matters between the Government and the Contractor.

A contract is a legally enforceable agreement that contains the rights and remedies of the parties. If the Contractor deviates from the terms of the contract, it is a matter between the Government (represented by the CO) and the contractor. You must keep the CO fully informed so that legally effective solutions can be applied to problems as they develop. Your suggestions to the Contractor may be construed as instructions and lead to claims for additional compensation or to a release of the contractor from its obligations under the contract. Suggestions sometime work out, but often lead to misunderstandings. Therefore, while you can and must make technical decisions, do not take any contract administration actions unless they are clearly authorized by this delegation and appointment memorandum.

Your delegated responsibilities as the COTR are to:

1. Advise on or determine a need for a product or service.
2. Collect and analyze market research data to establish technical requirements or identify potential contractors.
3. Develop the independent government cost estimate.
4. Establish requirements, prepare requirements documents, and write statements of work.
5. Define performance objectives, criteria, and measurements for evaluating proposals.
6. Establish technical terms and conditions of the solicitation.

7. Participate in contract negotiations.
8. Perform evaluations of bids and proposals.
9. Maintain an arms-length relationship with the contractor in the interest of procurement integrity as well as sound contract management.
10. Keep the CO fully informed of any technical or contractual difficulties encountered during performance. You should also advise the CO of any potential problem areas under the contract.
11. Assure the CO that the Contractor is performing the technical requirements of the contract in accordance with the contract terms, conditions, and specifications.
12. Inform the Contractor of failures to comply with the technical requirements of this contract, and inform the CO of any failures to do so, particularly if the Contractor does not make corrections.
13. Coordinate site entry for Contractor personnel, if applicable, complying with requirements of HSPD-12 in your role as a Sponsor.
14. Ensure that Government furnished property, if any, is available when required, and report any accountable property to the appropriate property personnel.
15. Ensure that all required items, documentation, data, and/or reports are submitted to you as required by the contract. If additional time is required by the Contractor, the Contractor should submit a formal request for a time extension to the CO through you. You should indicate your concurrence or state the reasons why you do not concur, and forward the request to the CO for finalization.
16. Evaluate proposals for and participate in negotiation of changes, modifications and claims at the request of the CO.
17. Review vouchers for cost-reimbursement type work and recommend approval by the CO if the Contractor's costs are consistent with the negotiated amounts and progress is satisfactory and commensurate with the rate of expenditure.
18. Review and approve invoices for fixed-price deliverables to ensure receipt of the goods and services.
19. Process all invoices and vouchers in a timely manner in accordance with the Prompt Payment Act.
20. Document actions taken and decisions that you have made as the COTR, and maintain adequate records to sufficiently describe the performance of your duties as COTR during the life of this contract. At a minimum, the COTR file should contain copies of the following:
 - a. COTR delegation and appointment memorandum and acknowledgement.
 - b. Contract and any modifications.

- c. All contract correspondence.
 - d. Records of COTR inspections.
 - e. Records of conversations with the contractor.
 - f. Invoices/vouchers.
21. Provide the CO with a copy of any correspondence you send to the Contractor.
22. If the contract is for construction or services and you visit the site where work is being performed, check to see that the Department of Labor and Equal Employment Opportunity posters and applicable wage determination rates are posted in full view of employees.
23. Perform final inspection and acceptance of all work required under the contract, including the review and approval of reports and assist the CO with contract closeout activities as requested. See Commerce Acquisition Manual Part 4, Chapter 3, on Contract Closeout for specific procedures.
24. Submit reports on contractor performance, such as the SF-1421 for A&E work.
25. Evaluate contractor performance in accordance with Federal Acquisition Regulations (FAR) Part 42.15 and acquisition office procedures.

In your capacity as COTR you DO NOT have the authority to:

- Award, agree to, or sign any contract, delivery order or task order. All contractual agreements, commitments, or modifications shall be made only by the CO.
- Make any commitments or otherwise obligate the Government, or to make any changes to the contract.
- Grant deviations from or waive any of the terms and conditions of the contract.
- Impose or place a demand upon the Contractor to perform any task or permit any substitution not specifically provided for in the contract.
- Increase the dollar limit of the contract, or authorize work beyond the dollar limit of the contract, or authorize the expenditure of funds.
- Give direction to the Contractor or to the employees of the Contractor except as provided for in the contract.
- Change the period of performance.
- Authorize the purchase of equipment, except as required under the contract.
- Authorize the furnishing of Government property, except as required under the contract.
- Authorize subcontracting or the use of consultants.

- Approve shifts of funding between line items of the budget.
- Approve travel and relocation expense over and above that provided for in the contract.
- Authorize the use of overtime.

Your appointment as COTR shall remain in effect through the life of the contract unless sooner revoked by the CO, and any such revocation of the appointment shall be in writing. If your appointment is revoked for any reason before completion of this contract, turn your records over to the successor COTR or obtain disposition instructions from the CO. If you are reassigned or separated from service, request termination and relief from your duties from the CO sufficiently in advance of your reassignment or separation to permit timely selection and appointment of a successor COTR.

If you have or may have direct or indirect financial interests which would place you in a position where there is a conflict between your private interests and the public interests of the United States, you shall immediately advise your supervisor and the CO of the conflict so that appropriate action may be taken. You shall avoid the appearance of such conflict to maintain public confidence in the Government's conduct of business with the private sector. Note Department Administrative Orders 202-735 and 202-735A which cover employee responsibilities and conduct for U. S. Department of Commerce personnel.

[AS AN INDICATION THAT YOU HAVE READ, UNDERSTAND AND AGREE TO COMPLY WITH YOUR COTR ROLE AND RESPONSIBILITIES, PLEASE COMPLETE THE NEXT PAGE OF THIS MEMORANDUM AND RETURN IT TO THE CONTRACTING OFFICER WITHIN 7 CALENDAR DAYS OF THE DATE OF THIS APPOINTMENT.]

MEMORANDUM FOR: (Contracting Officer)

The undersigned acknowledges the COTR appointment on Contract No. _____ and accepts the duties, responsibilities and limitations described in the delegation and appointment memorandum.

I understand and accept that you, as the Contracting Officer, reserve the authority to cancel this COTR appointment in accordance with conditions set forth in the Department of Commerce COR Certification Program, set forth in Commerce Acquisition Manual 1301.670.

As such:

I agree to satisfy and perform the contract management duties assigned to me in accordance with the ethical standards of conduct for procurements and for federal employees.

I agree to diligently monitor the technical performance of the contractor to ensure that technical requirements under the contract are met by the delivery date or within the period of performance set forth in the contract.

I agree to partner with the CO by keeping him/her informed of any technical difficulties arising under the contract.

I agree to promote fair and open competition whenever possible.

I agree not to make any commitments or otherwise obligate the Government to make any changes to the contract.

I agree not to make any commitments or obligations that would otherwise go beyond the limits of my COTR delegation.

COTR (Typed name and signature)

Date

Supervisor Acknowledgment:

Supervisor (Typed name and signature)

Date

APPENDIX I – CONTRACTING MATRIX

Acquisition Management Training Guide	Type of Assignment								
	Operational Contracting	System Acquisition	Construction/AE	Contingency Contracting	Research/Labs	Contract Admin	Cost/Price/Analyst	Small Bus Specialist	Other
Training ("R" indicates Resident instruction)									
BCF 101 Fundamentals of Cost Analysis (R)	X	X			X		X		
BCF 102 Fundamentals of Earned Value Management		X				X			
BCF 203 Intermediate Earned Value Management (R)		X				X			
CON 232 Overhead Management of Defense Contracts (R)		X			X	X	X		
CON 234 Contingency Contracting (R)				X					
CON 235 Advanced Contract Pricing (R)		X					X		X
CON 237 Simplified Acquisition Procedures	X	X	X	X	X	X		X	X
CON 243 Architect-Engineer Contracting (R)			X						
CON 244 Construction Contracting (R)			X						
CON 250 Fundamentals of Cost Accounting Standards, Part I (R)		X			X	X	X		
CON 251 Fundamentals of Cost Accounting Standards, Part II (R)		X			X	X	X		
CON 260A The Small Business Program, Part A (R)							X		
CON 260B The Small Business Program, Part B (R)							X		
FAC 007 Certificate of Competency							X		
GRT 201 Grants and Agreements Management (R)					X	X			
IND 100 Contract Property Administration and Disposition Fundamentals (R)		X			X	X			
CLB 007 Cost Analysis	X	X	X	X	X	X	X		X
CLB 011 Budget Policy		X							
CLB 016 Introduction to Earned Value Management		X				X			
CLC 003 Sealed Bidding	X		X						
CLC 004 Market Research	X	X	X	X	X	X	X	X	X
CLC 005 Simplified Acquisition Procedures	X	X	X	X	X	X		X	X
CLC 006 Contract Terminations	X	X	X	X	X	X			X
CLC 007 Contract Source Selection	X	X	X	X	X	X	X	X	X
CLC 008 Indirect Costs		X			X	X	X		X
CLC 009 Service-Disabled Veteran-Owned Small Business Program	X	X	X	X	X	X		X	X
CLC 013 Performance Based Services Acquisition	X	X	X	X	X	X	X		X
CLC 015 Commercial Acquisition	X	X	X	X	X	X	X	X	X
CLC 016 Implementing Price-Based Acquisition	X	X	X	X	X	X	X		X
CLC 018 Contractual Incentives	X	X	X	X	X	X	X	X	X
CLC 020 Commercial Item Determination	X	X	X	X	X	X	X	X	X
CLC 022 Profit Policy Revisions	X	X	X	X	X	X	X	X	X
CLC 023 Commercial Item Determination – Executive Overview	X	X	X	X	X	X	X	X	X
CLC 026 Performance Based Payments Overview	X	X	X	X	X	X	X	X	X
CLC 027 Buy American Act	X	X	X	X	X	X	X	X	X
CLC 031 Reverse Auctioning	X								
CLC 034 Provisional Award Fee	X	X			X	X			
CLC 037 A-76 Competitive Sourcing Overview	X								X
CLC 060 Time and Materials Contracts	X	X	X	X	X	X	X	X	X
CLC 102 Administration of Other Transactions		X			X	X			
CLC 103 Facilities Capital Cost of Money	X	X	X	X	X	X	X		X

CLC 104 <i>Analyzing Profit or Fee</i>	X	X	X	X	X	X	X		X
CLC 108 <i>Strategic Sourcing Overview</i>	X	X	X	X	X	X	X	X	X
CLC 110 <i>Spend Analysis Strategies</i>	X	X	X	X	X	X	X	X	X
CLC 112 <i>Contractors Accompanying the Farce</i>	X	X	X	X	X	X			X
CLC 114 <i>Contingency Contracting Officer Refresher</i>				X					
CLC 131 <i>Commercial Item Pricing</i>	X	X			X	X	X		X
CLM 013 <i>Work Breakdown Structure</i>		X				X	X		
CLM 023 <i>Javits-Waner O'Day (JWOD)</i>	X	X	X	X	X	X		X	X
CLM 031 <i>Improved Statement of Work</i>	X	X	X	X	X				
CLM 032 <i>Evolutionary Acquisition</i>		X				X			
CLM 038 <i>Corrosion Prevention and Control Overview</i>	X	X	X	X	X	X			X